REMARKS / ARGUMENTS

In response to the Office Action of January 12, 2007, Applicants have amended the claims, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested.

Claims 11-14 and 18 have been rejected under 35 U.S.C.§ 112, first paragraph, as allegedly failing to comply with the written description requirement. In response to the rejection and in order to advance prosecution of this application, Applicants have amended claim 11 so that it no longer recites the phrase "or an immunosuppresive analog thereof." Claim 12 has also been amended so that it no longer recites monoclonal antibodies to leukocyte receptors or to their ligands. Applicants reserve the right to file one or more continuation applications directed to the subject matter canceled from claims 11 and 12. Withdrawal of the rejection of claims 11-14 and 18 under 35 U.S.C. § 112, first paragraph is therefore respectfully requested.

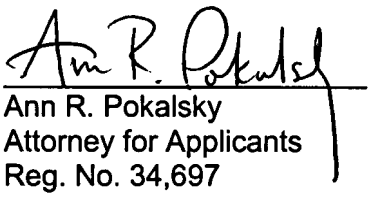
Claims 11-19 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The position of the Examiner is that the phrase "effective amount of a second agent" is new matter to the application as originally filed. In order to advance prosecution of this application, claim 11 has been amended to recite in relevant part: "administering to the patient an effective amount of 40-O-(2-hydroxy)ethyl-rapamycin in combination or conjunction with a second agent ..." Support for this amendment may be found throughout the application, e.g., page 12, lines 25-22, and lines 24-30. In view of the amendments to claim 11, withdrawal of the rejection of claims 11-19 under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 11-19 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 7-9 of U.S. Patent Application No. 11/599,814. Applicants observe that the present application is further along in prosecution than U.S. Patent Application No. 11/599,814. Therefore, Applicants respectfully request the Examiner to withdraw the provisional double patenting rejection in the present application and permit the present application

to issue as a patent. Any provisional double patenting rejection in Application No. 11/599,814 can then be converted into a double patenting rejection in that application, at the time the present application issues. *See* MPEP § 804 I(B).

In view of the foregoing remarks and amendments, it is respectfully submitted that the present application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Ann R. Pokalsky
Attorney for Applicants
Reg. No. 34,697

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-2614

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